In the High Court of Punjab and Haryana at Chandigarh

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C.W.P. No.20214 of 2002

.....

Date of decision:12.9.2006

Lahori Ram and another

.....Petitioners

v.

P.S.E.B. and others

.....Respondents

....

Coram: Hon'ble Mr. Justice S.S. Nijjar
Hon'ble Mr. Justice S.S. Saron

Present: Mr. Harminder Goswami, Advocate for Mr. S.K. Arora, Advocate for the petitioners.

Mr. Sameer Mahajan, Advocate for the respondents.

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S.S. Nijjar, J. (Oral):

Learned counsel for the petitioners states that the matter is squarely covered by the judgment of the Supreme Court in the case of Sahib Ram v. State of Haryana, 1995 (1) SCT 668 wherein it has been held as follows:-

> "Admittedly the appellant does not possess the required educational qualifications. Under the circumstances the appellant would not be entitled to the relaxation. The Principal erred in granting him the relaxation. Since the date of relaxation the appellant had been paid his salary on revised

scale. However, it is not on account of any misrepresentation made by the appellant that the benefit of higher pay-scale was given to him but by wrong construction made by the Principal for which the appellant cannot be held to be at fault. Under the circumstances the amount paid till date may not be recovered from the appellant. The principle of equal pay for equal work would not apply to the scales prescribed by the University Grants Commission. The appeal is allowed partly without any order as to costs."

He submits that the petitioners did not make any misrepresentation on the basis of which their pay has been fixed. Now on re-fixation of pay their pension has been re-calculated. In view of the law laid down by the Supreme Court in the aforesaid case, we dispose of the petition with a direction that no recovery shall be effected from the pension of the petitioners with regard to the alleged excess payment of pension on account of re-fixation of pay.

No costs.

(S.S. Nijjar)
Judge

September 12, 2006.

(S.S. Saron)
Judge

hsp